

a greater control load. The Office Action, on page 3, asserts that the hierarchical functions disclosed in Loehr are equivalent to the control load as called for by claim 1, and as similarly called for by claims 9, 10 and 18. Applicants respectfully disagree. As discussed during the personal interview, the hierarchical structure disclosed in Loehr is independent of a control load, and therefore Loehr does not disclose the failure sensing device or the output portion as called for by independent claim 1 and as similarly called for by independent claims 9, 10 and 18.


Claim 1 also calls for a sensing portion sensing a failure in the processing unit based on the information and the response. Claims 9, 10 and 18 call for a similar feature. The Office Action, on page 3, asserts that Toshifumi discloses this feature. Applicants respectfully disagree. The Office Action asserts that "breakage" disclosed in Toshifumi is equivalent to a failure as called for by claim 1. As discussed during the personal interview, the "breakage" in Toshifumi refers to the act of stopping a vehicle, not sensing a failure as called for by claims 1, 9, 10 and 18.

Therefore, it is respectfully submitted that claims 1, 9, 10, and 18 are patentable over the combination of Loehr and Toshifumi. Further, it is respectfully submitted that claims 2-8 and 11-17 are patentable at least in view of the patentability of claims 1 and 10 from which they depend, as well as for the additional features they recite. Accordingly, it is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claim are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Scott M. Schulte  
Registration No. 44,325

JAO:SDJ/eks

Date: July 3, 2008

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 320850**  
**Alexandria, Virginia 22320-4850**  
**Telephone: (703) 836-6400**

**DEPOSIT ACCOUNT USE  
AUTHORIZATION**

Please grant any extension  
necessary for entry;  
Charge any fee due to our  
Deposit Account No. 15-0461